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SEP 21 2004

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|----------------------------|---|----------------------------|
| In re Application of | : | OFFICE OF PETITIONS |
| Yuen, et al. | : | |
| Application No. 10/720,006 | : | DECISION REFUSING |
| Filed: November 20, 2003 | : | STATUS UNDER 37 CFR |
| Dkt. No. 51554/WWWM/G207 | : | 1.47(a) |
| Title: APPARATUS AND | : | |
| METHOD FOR IMPROVED | : | |
| PARENTAL CONTROL OF | : | |
| TELEVISION USE | : | |

The above-identified application has been referred to the Office of Petitions for consideration of the petition under 37 CFR 1.47(a) filed July 9, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 20, 2003 without a fully executed oath or declaration and naming Henry C. Yuen as a joint inventor. As a result a Notice to File Missing Parts of Reissue Application was mailed March 10, 2004 requiring submission of an oath or declaration and surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a

statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (1) set forth above. Petitioners have failed to establish that despite diligent effort, Henry C. Yuen refuses to execute the oath or declaration after having been presented with the application papers.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to each non-signing inventor. Petitioners have failed to establish that the non-signing inventor received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

While the petition references the enclosure of a written refusal by the legal representative of the non-signing inventor, no such document has been located in the official application file.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor and/or the legal representative of the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor and/or the legal representative of the non-signing inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor and/or the legal representative of the non-signing inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

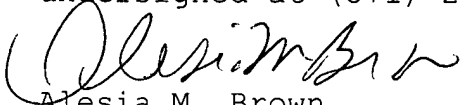
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile: (703) 872-9306

By hand: U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310. Telephone inquiries after September 27, 2004 should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Senior Petitions Attorney
Office of Petitions